

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
NEXP-0005

In Re Application Of: Batoff

Serial No.
10/085,394

Filing Date
2/28/02

Examiner
Unknown

Group Art Unit
Unknown

Invention: INVENTORY CONTROL AND BALANCING SYSTEM

RECEIVED

FEB 24 2004

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: Res. to Not. to File Corr. App Papers; 3 sheets of sub. drawings

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☐ A small entity declaration:

☐ is enclosed. ☐ was filed on _____

02/23/2004 AWONDAF1 00000044 10085394

01 FC:2453

665.00 OP

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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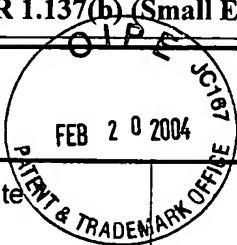
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Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$665.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____
- Total fees enclosed: \$665.00

The fee of **\$665** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **50-0462**

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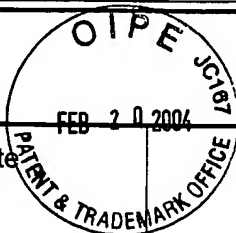
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Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Applicant first became aware of the abandonment on February 2, 2004 upon receiving the Notice of Abandonment dated January 22, 2004.

The undersigned was retained to represent Applicant in late July 2003 and was given a copy of the prosecution file at that time. The Notice to File Corrected Application Papers dated March 18, 2002 was not in the file provided to the undersigned; there is no record in the file that it was ever received by Applicant or its previous counsel.

Applicant and the undersigned assumed that the application remained pending and was simply awaiting examination in the normal docket rotation.

Signature

Dated: February 18, 2004

John L. Knoble - Registration No. 32,387
KNOBLE YOSHIDA & DUNLEAVY, LLC
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Philadelphia, PA 19103
Tel: (215) 599-0600

I certify that this document and fee is being deposited on Feb. 18, 2004 with the U.S. Postal Service as first-class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Rebekah L. Mitchell

Typed or Printed Name of Person Mailing Correspondence

cc: